

DRAFT:DFM:bao (26 Jul 74)

Honorable John C. Stennis, Chairman  
Committee on Armed Services  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request for comments on S. 3767, a bill to amend the National Security Act of 1947, as amended, regarding the permissible activities of the Central Intelligence Agency. With the exception of one provision, this bill is acceptable to me.

The proposed legislation amends section 102(d) of the National Security Act of 1947 in several ways:

- a. By inserting the word "foreign" where appropriate before the word "intelligence;"
- b. Modifying subsection (d)(5) of the Act by expressly requiring the Agency to inform Congress of those activities performed at the direction of the National Security Council under (d)(5);
- c. Reiterating the prohibition against the Agency assuming any police, law enforcement, or internal security functions, while setting forth the permissible areas of domestic activity; and
- d. By adding a section prohibiting the Agency from engaging in any illegal activity within the United States.

I fully accept the amendments inserting the word "foreign" immediately before the word "intelligence" in section (d), thus clearly expressing the mission of CIA as relating only to foreign intelligence. While I believe the word "intelligence" in the original Act was generally understood to refer only to foreign intelligence, the suggested language will make this limitation even clearer to Agency employees, other government officials, and to the public.

I am pleased to accept the amended provision of subsection (d)(5), which codifies the long-standing practice of complete congressional oversight of our activities. Pursuant to current congressionally established procedures, the Agency reports fully on its activities to the Intelligence Subcommittees of the House and Senate Armed Services and Appropriations Committees. This system has worked well. Large numbers of highly sensitive matters have been reported to the Subcommittees over the years, and their classification has always been respected. I am confident that future congressional procedures will be as effective as the existing ones in meeting the dual objectives of complete security and maximum oversight.

With respect to new subsection (g)(1), which limits Agency domestic activities of the Agency, I believe this language is appropriate on the understanding that certain domestic activities solely in support of our foreign intelligence function can be conducted, if authorized by the National Security Council and reported to Congress. These would include such current activities, described in my confirmation hearings, as (a)

interviewing American citizens who are willing voluntarily and without pay to share foreign intelligence information in their possession with their Government; (b) collecting foreign intelligence from foreigners in the United States; (c) establishing support structures necessary to foreign intelligence operations abroad; and (d) providing technical assistance to the Federal Bureau of Investigation for its counterintelligence operations against foreigners. If this were not the intention of the Congress, I believe the United States would be unable to acquire significant foreign intelligence important to the national security. Perhaps this understanding could be included as an element of the legislative history of this Act.

Proposed subsection (g)(2) seems unnecessary and inappropriate in providing that a Federal agency should not participate in illegal activities. No agency need be reminded by statute that it must obey the law. The personnel of this Agency are well aware that there exist legitimate legal bounds on CIA activities and we conscientiously attempt to carry out our mission within the confines of the law.

Please allow me to express my appreciation of your interest in a clear statutory delineation of this Agency's functions and authority. I assure you that this Agency will respect in every way in the future the scope of the Agency's unique authorities as applying only to foreign intelligence and related activities.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby  
Director